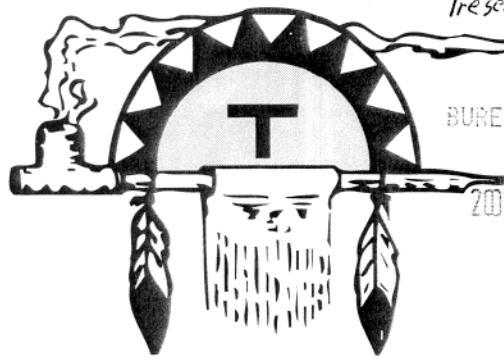


APPENDIX D

DOCUMENTATION OF NATIVE AMERICAN CONSULTATION



TE-MOAK TRIBE OF WESTERN SHOSHONE

BUREAU OF LAND MANAGEMENT

ELKO FIELD OFFICE 525 Sunset Street • Elko, Nevada 89801

(775) 738-9251

2002 JUL 17 PM 2:30

FAX - (775) 738-2345

July 15, 2002

Helen Hankins, Manager
Elko Field Office
Bureau of Land Management
3900 East Idaho Street
Elko, NV 89801

Re: Barrick Goldstrike – Betze SEIS

Dear Ms. Hankins,

The mining of the Betze Project will have a highly significant impact on a traditional cultural property that the Western Shoshone recognize, Rock Creek and Rock Creek Canyon. Rock Creek and Rock Creek Canyon are cultural and spiritual areas that the Western Shoshone has been associated with since time immemorial. Rock Creek and Rock Creek Canyon have the high potential to be listed on the National Register of Historic Places. Archaeologists from the Elko Bureau of Land Management have spent a great deal of time and effort mapping and surveying this highly cultural area. Approximately 110 sites have been identified, of which 17 are in the proposed Traditional Cultural Property. All of these are prehistoric or contact-period sites associated with Native Americans within that specific area. In essence, this TCP can be considered as a District composed of archaeological and cultural locations. (*Rusco (1974); Botti (1985); Clay and Hemphill (1986) and Clay (1997).*)

This area is important to the Western Shoshone; we are concerned with the water in Rock Creek. The cumulative impact of the dewatering of the Betze Project, South Operations Area Project, and Leeville Project may have a negative affect on the water flow in Rock Creek. Especially, the Betze Project, because this mine is much bigger than the other two projects and is geographically closer to Rock Creek. We would like the BLM to insure that the water flow in Rock Creek is not decreased. And, if it does decrease due to the dewatering process, we want documentation to show how BLM is going to resolve the problem of the water in Rock Creek decreasing.

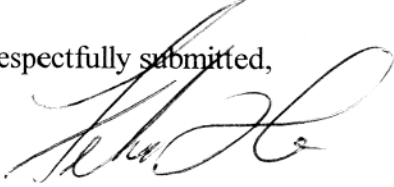
Not only will the dewatering process affect Rock Creek, but it will also definitely disrupt all life in the surrounding area of these projects. Wildlife depend on the natural

“uncontaminated” springs. Water in desert land is paramount in our concerns because drinkable, swimmable waters serve humans and animals.

Attached please find a resolution that has been passed by the Te-Moak Tribal Council in support of Rock Creek. Clearly our Tribe is concerned about the future of Rock Creek and Rock Creek Canyon.

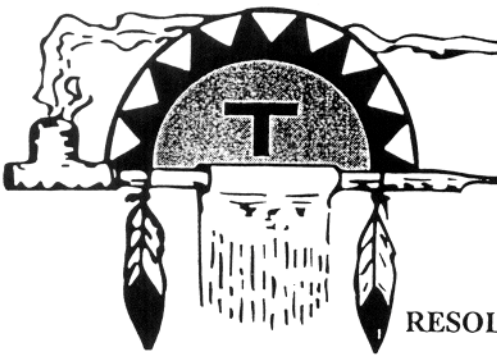
The Western Shoshone people realize mining is an important economic resource to the state of Nevada. We know that there is a great demand for gold and other minerals. However, we believe that exploration and mining can and should be done using methods that are more conducive to cultural preservation and environmental protection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Felix Ike', written over the closing 'submitted,'.

Felix Ike, Chairman
Te-Moak Tribe of Western Shoshone

(1) Attachment – Resolution #02-TM-10



TE-MOAK TRIBE OF WESTERN SHOSHONE

RECEIVED
BUREAU OF LAND MANAGEMENT
ELMOFIELD OFFICE

2002 JUL 17 PM 2:30

RESOLUTION OF THE GOVERNING BODY OF THE TE-MOAK TRIBAL COUNCIL

RESOLUTION NO. 02-TM-10

BE IT RESOLVED BY THE TE-MOAK TRIBAL COUNCIL OF WESTERN SHOSHONE INDIANS OF NEVADA, THAT

WHEREAS, the Te-Moak Tribal Council of the Te-Moak Tribes of Western Shoshone Indians of Nevada is organized under the Indian Reorganization Act of June 18, 1934, as amended, to exercise for the promotion of economic and social welfare of its tribal members, and

WHEREAS, the Te-Moak Western Shoshone Council is the parent council for the communities of Battle Mountain, Elko, South Fork and Wells, and

WHEREAS, the Te-Moak Tribe of Western Shoshone recognize Rock Creek and Tosawihi Quarries as cultural and traditional properties of the Western Shoshone. The Te-Moak Tribe of Western Shoshone will support and help protect Rock Creek and Tosawihi Quarries from future destruction from entities that will endanger the physical and spiritual properties of these sacred places, and

WHEREAS, the location for Rock Creek is described as the following:

Rock Creek Canyon is located approximately twenty-three miles northeast of Battle Mountain, Nevada and approximately thirty-four miles west northwest of Carlin, Nevada. The portion of Rock Creek of highest, religious, ceremonial and historical interest is located fifteen miles north of Interstate 80, approximately at the exit to Argenta (itself fifteen miles east of Battle Mountain). The canyon drains the Sheep Creek Range north of the Humboldt River, northwest of Boulder Valley.

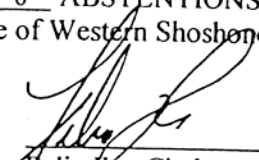
WHEREAS, the location form the Tosawihi Quarries is described as the following:

The Tosawihi Quarries are located approximately 30 miles northeast of Battle Mountain in northeastern Nevada.

NOW THEREFORE BE IT RESOLVED, the Te-Moak Tribal Council hereby submits the preceding paragraphs in support of protecting Rock Creek and Tosawihi Quarries, traditional and cultural properties of the Western Shoshone.

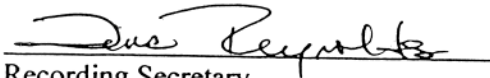
C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned as Chairman of the Te-Moak Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, do hereby certify that the Council is comprised of 10 members of whom 7 were present at a duly meeting on the 4th day of April, 2002, and the foregoing Resolution was adopted by a vote of 6 FOR, 0 AGAINST, and 0 ABSTENTIONS, pursuant to Article 4, section 3 (n) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.



Felix Ike, Chairman
Te-Moak Tribe of Western Shoshone

ATTEST:



Recording Secretary
Te-Moak Tribe of Western Shoshone

ELKO BAND COUNCIL

1745 Silver Eagle Drive • Elko, Nevada 89801
775-738-8889 • Fax 775-753-5439

RECEIVED
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE

2002 JUL 17 PM 2:30

RESOLUTION OF THE GOVERNING BODY OF THE ELKO BAND COUNCIL

Resolution No. 2002-EBC-18

BE IT RESOLVED BY THE ELKO BAND COUNCIL, THAT

WHEREAS, this organization is an Indian Organization as defined under the Indian Reorganization Act of June 18, 1934, as amended, to exercise certain rights of home rule and for the promotion economic and social welfare of its Tribal Members, and

WHEREAS, the Elko Band Council, a Constituent Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada, and is the governing body of the Elko Indian Colony, and

WHEREAS, the Elko Band Council has the obligation to protect, preserve, and promote the religious and cultural rights of its Tribal members, ancient customs and beliefs of the Ancestors and Hereditary Descendants of the Western Shoshone Indians of Nevada and

WHEREAS, the Elko Band Council upholds Resolution No. 99-EBC-12 for protecting and preserving Traditional Cultural Properties at Rock Creek and Tosawihi Quarry and

WHEREAS, the Elko Band Council feels the cumulative impact of dewatering will effect the natural springs and water supply in and around Rock Creek, area creeks, hot springs, and Tosawihi Quarry and

WHEREAS, the Elko Band Council requests that every attempt be made to monitor and protect the natural resource of water at the Rock Creek and Tosawihi Quarry sites by the Bureau of Land Management.

NOW THEREFORE BE IT RESOLVED, Elko Band Council objects to the dewatering projects, Betze SEIS, Newmont's South Operations Area Project Amendment (Gold Quarry Mine), and Newmont's Leeville Plan of Operation, for their possible negative impact upon Rock Creek, area Creeks, hot springs, and Tosawihi Quarry. On behalf of Rock Creek, area creeks, hot springs, and Tosawihi Quarry, to help justify preservation and protection of these cultural and natural resources, the Elko Band Council believes that the overall negative environmental impacts must be minimized to the greatest extent possible to protect further devastation and contamination against our natural resource, water, and

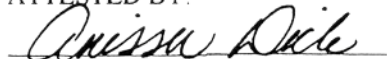
BE IT FINALLY RESOLVED THAT, the Elko Band Council is recommending that the consultation process continue concerning Rock Creek and Tosawihi TCPs, as this is one of the most important historical sites of the Western Shoshone.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the under signed as Chairman of the Elko Band Council do hereby certify that Elko Band Council is composed of 7 members, of whom 4 constituting a quorum were present at a duly held meeting on the 10th day of July, 2002, and that the foregoing was duly adopted as such meeting by a VOTE of 3 FOR, 0 AGAINST, 0 ABSTENTION, pursuant to Article 4 Section 12(b) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.


William Woods, Vice-Chairman
Elko Band Council

ATTESTED BY:


Recording Secretary

**RESOLUTION OF THE GOVERNING BODY
OF THE
ELKO BAND COUNCIL**

RESOLUTION NO. 99-EBC-12

BE IT RESOLVED BY THE ELKO BAND COUNCIL, THAT

WHEREAS, this Organization Known as the Elko Band Council as defined under the Indian Reorganization Act of June 1 934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the, Western Shoshone Ancestral Ancient Customs, and Beliefs, and Contemporary Social and Economic welfare of its Tribal Members, and

WHEREAS, the Elko Band Council does endorse, support and identify the historical and cultural importance of preserving and protecting those *Traditional Cultural Properties*, cultural and natural resources having a valuable unwritten history, to the ancient customs and beliefs of the Ancestors and Hereditary Descendants of the Western Shoshone Indians of Nevada, and

WHEREAS, the Elko Band Council historically regards and identifies TOSAWIHI QUARRY as a *Traditional Cultural Property* and declares it to having significant historical properties relevant to the Ancient Customs and Beliefs of the Ancestors and Hereditary Descendants of the Western Shoshone Indians of Nevada, and

WHEREAS, the Elko Band Council does request every attempt be made feasible towards preserving and protecting the complete area in and about TOSAWIHI QUARRY in order to safe guard such area's essential for; contemporary ceremonial use; educational purposes; historical education and oral traditional purposes, and

WHEREAS, the Elko Band Council historically regards and identifies ROCK CREEK as a *Traditional Cultural Property* and declares it to having significant historically properties relevant to the Traditional Ancient Customs and Beliefs of Ancestors and Hereditary Descendants of the Western Shoshone Indians of Nevada, and

WHEREAS, the Elko Band Council does request that every attempt must be made feasible towards preserving and protecting the complete area in about ROCK CREEK in order to safe guard such area's necessary for; ceremonial use; educational purposes; historical education and oral traditional purposes, and

WHEREAS, the Elko Band Council does recognize that the Bureau of Land Management is a Federal Administrative Agency that functions only pursuant to delegated authority from Congress, and

WHEREAS, the Elko Band Council does recognize that the Bureau of Land Management administrative officials are directly accountable for those installed basic administrative rules and regulations mandated by federal law, and

WHEREAS, the Elko Band Council does recognize that the Bureau of Land Management administrative officials can be subject to suits for injunctive and declaratory relief for breach of those mandated laws, and

WHEREAS, the Elko Band Council does recognize that the Bureau of Land Management administrative officials, are in fact subject to judicial review in which they exceed their delegated authority by neglecting such federal mandated laws executed to assist in the preservation and protection of those prehistoric, historic, ceremonial and burial grounds of the Western Shoshone Indians of Nevada, and

WHEREAS, the Elko Band Council does recognize that the Bureau of Land Management administrative officials shall recognize that a nation, tribe or band is regarded as an Indian entity where the relations of the Indians in their organized or tribal capacity has been fixed and recognized by treaty, that being the 1863 Ruby Valley Treaty established between the Western Shoshone Indians of Nevada and the United States Government, and

NOW, THEREFORE BE IT RESOLVED, that the Elko Band Council in order to justify the preservation and protection of those cultural and natural resources, such as prehistoric and historical campsites, RELIGIOUS and TRADITIONAL use area's of the Ancestral Western Shoshone Indians of Nevada, does hereby endorse and support the Elko District Office of the Bureau of Land Management *intent* to "NOMINATE" ROCK CREEK and TOSAWIHI QUARRY areas as eligible for the NATIONAL REGISTER, as *Traditional Cultural Properties*, and

BE IT FURTHER RESOLVED, that further Consultation with other known Western Shoshone Governments, Groups and or Organizations will be a relevant factor established by the Elko District Office of the Bureau of Land Management regarding the proposed action and potential impact the Barrick and Newmont dewatering operations will in fact have in those area's of TOSAWIHI QUARRY and ROCK CREEK, and

BE IT FURTHER RESOLVED, that the Elko Band Council and the Western Shoshone Historic Preservation Society request a formal statement by the Elko District Office of the Bureau of Land Management be submitted to the Western Shoshone prior to any allowed dewatering activity by Newmont Gold and or Barrick Mining Company, and said formal statement be made available to the Elko Band Council, Western Shoshone Historic Preservation Society and other Western Shoshone Governments, Groups and Organizations in order to know that the TOSAWIHI QUARRY and ROCK CREEK will be safeguarded, preserved and protected, and

BE IT FURTHER RESOLVED, that the Elko District Office, Newmont Gold Company and Barrick Gold Company will not distort the historical and religious value of TOSAWIHI QUARRY and or ROCK CREEK in any matter pending further consultation with other Western Shoshone Governments, Groups and Organizations, and

BE IT FURTHER RESOLVED, that the Elko Band Council and the Western Shoshone Historic Preservation Society hereby submit this Resolution as a relevant factor of support and endorsement towards the Elko Districts Office intent to *NOMINATE* TOSAWIHI QUARRY and ROCK CREEK for nomination to the National Register as a Traditional Cultural Property, and

BE IT FINALLY RESOLVED, that an Memorandum of Understanding between the Elko Band Council and the Western Shoshone Historic Preservation Society is approved and shall be recognized by that government agency so mentioned above.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Chairman of the Elko Band Council do hereby certify that the Elko Band Council is composed of 7 members of whom 6 constituting a quorum were present at a duly held meeting on the 17th day of March 1999, and that the foregoing was duly adopted at such meeting by a vote of 6 FOR, 0 AGAINST, 0 ABSTENTIONS, pursuant to the authority contained under Article 4, Section 12(b) and Section 13 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.



Wilbur Woods
ELKO BAND COUNCIL

ATTEST:



RECORDING SECRETARY

**RESOLUTION OF THE GOVERNING BODY
OF THE
SOUTH FORK BAND COUNCIL**

Resolution No. 01-SF-04

BE IT RESOLVED BY THE SOUTH FORK BAND COUNCIL:

WHEREAS, this is a constituent Band known as the South Fork Band Council as defined by the Indian Reorganization Act of June 18, 1934, as amended and operates and functions in accordance with the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, approved on August 26, 1982, and

WHEREAS, the South Fork Band Council has the obligation to its' tribal members to defend, preserve and sustain the sacred sites, burial sites, spiritual sites, and natural resources on our aboriginal homelands, and

WHEREAS, the region of Rock Creek and Tosawihi Quarries are of great religious significance and sacred to the Western Shoshone people, and

WHEREAS, for the Western Shoshone People and all other Indigenous People, WATER IS LIFE, impacts, either physical or spiritual, will affect the ability of Western Shoshone to maintain cultural traditions, and

WHEREAS, the obvious harmful impacts upon the elements of traditional lifeways of the Western Shoshone, particularly, water, medicinal plants and various animal species, principally, sage grouse habitat will be greater in these regions with the ongoing mine dewatering, and

WHEREAS, past, present and the foreseeable activities in these regions will result in an increasing impact to the resources that are of vital importance to the Western Shoshone peoples traditional religious practices, and


WHEREAS, the protection of both the Rock Creek and Tosawihi Quarries are of the utmost importance to the Western Shoshone.

NOW THEREFORE BE IT RESOLVED, the South Fork Band Council is in opposition to the Dewatering and Water Management Operations for the Betze, South Operations and Leeville Project.

BE IT FURTHER RESOLVED, the South Fork Band Council by adopting this resolution is requesting that the ongoing and future dewatering of Barrick Goldstrike and Newmont Gold Mine immediately cease.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Chairman of the South Fork Band Council do hereby certify that the South Fork Band Council is composed of seven (7) members of whom 6 constituting a quorum were present at a duly held meeting on the 23rd day of January 2001, and that the foregoing resolution was adopted at said meeting by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, pursuant to Article 4, Section 12 (a) and (b) and Section 3 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.


Larson R. Bill, Chairman
South Fork Band Council



WESTERN SHOSHONE DEFENSE PROJECT

P.O. Box 211308, Crescent Valley, Nevada 89821
phone: 775-468-0230, fax: 775-468-0237, email: wsdp@igc.org

2002 AUG 25 PM 7:20

ELKO DISTRICT		
DM		
ADM		
PLAN/NEPA		
LAW ENF		
NON-REN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RENEWABLE		
S.S.		
FIRE		
REHAB		
CF CODE:		
X=ACTION		

August 16th, 2002

David J. Vandenberg,
Manager, Non-Renewable Resources
Elko Field Office, Bureau of Land Management
3900 E. Idaho St.
Elko, NV 89801

Re: Betze Supplemental Environmental Impact Statement Consultation

Dear Mr. Vandenberg,

We have received a letter from you dated August 5th, 2002 in which you state the BLM's intention of "closing" consultation regarding the Betze SEIS. However you also state that "consultation will remain ongoing for the Rock Creek and Tosawihi Quarry TCP's" We find this very confusing as the primary impact and concern expressed by Shoshone people regarding this project is the potential for the dewatering to impact waters in the TCP areas. Thus it seems to be a contradictory statement to say that consultation is closed for the Betze SEIS yet still open for Rock Creek and Tosawihi. Could you please clarify the legal and practical effect of this "closing" of consultation?

We still remain concerned that there has not been a firm and clearly stated commitment on the part of the BLM or Barrick to prevent dewatering impacts from affecting cultural resources, particularly creeks and springs associated with cultural use. However, we appreciate the progress that has been made in addressing some of these issues, especially the provisions within the Barrick mitigation plan to better monitor dewatering impacts in the areas of concern, improve riparian areas upstream and especially transferring 1.5cfs of Barrick's vested water rights to maintain baseflow in Rock Creek.

It is our opinion that greater efforts by Barrick to return water to the groundwater aquifer could reduce the size of the cone of depression and prevent impacts associated with this cone. Spring "improvements" are not acceptable mitigation to the destruction or drying of culturally significant waters. If dewatering estimates prove wrong (as they have in the past) what provisions are there to prevent a declining water table from drying the springs and/or creeks? In other words, what if the expected increased flow in Rock Creek due to upstream grazing improvements and dedicated baseflow proves to be insufficient to maintain flows? What kind of mechanism exists that prompts the mine or BLM to take action and what would the action be? Are there contingency plans? Experience has demonstrated that without a clear chain of command, the regulators and the project operators will spend much time arguing over whether an impact exists, and how the impact will be addressed.

We look forward to receiving your answers. The WSDP remains a committed participant in the efforts to protect Western Shoshone cultural sites such as the Rock Creek and Tosawihi areas. We expect that our previous correspondence will be part of the record, excepting any marked as confidential.

Sincerely,

Christopher Sewall
Program Director, WSDP



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.nv.blm.gov/Elko>

In Reply Refer To:

3809(NV-013)
1793.3

SEP - 6 2002

Certified Letter No. 7002 0860 006 9272 1284

Alice M. Baldrica, Deputy
State Historic Preservation Officer
100 North Stewart Street
Carson City, Nevada 89701-4285

Dear Ms. Baldrica:

We have enclosed a copy of the appendices from the draft version of Barrick Goldstrike's Final Supplemental Environmental Impact Statement (SEIS) for the Betze Project (SEIS mitigation plan and Upper Willow Creek habitat enhancement plan) for your section 106 review. We request your comments on the appendices and our assessment that adverse impacts to the Rock Creek Traditional Cultural Property (TCP), while unlikely, are mitigated in the proposed plans.

The "Cumulative Impact Analysis of Dewatering and Water Management Operations for the Betze Project, South Operations Area Project Amendment, and Leeville Project" (CIA) was previously sent to your office for the SOAPA and Leeville projects but continues to be relevant for our discussion and your analysis. We will provide you with another copy upon your request.

Through consultation initiated on October 1, 1998 and several subsequent meetings with the Western Shoshone on potential effects of mine dewatering, the BLM recognized that two TCPs were present in the Area of Potential Effect (APE) for cumulative impacts of dewatering groundwater from three mining projects: the Betze SEIS; Newmont Mining Corporation's Leeville underground mining project ("Leeville") and Newmont's South Area Operations Project Amendment (SOAPA). The BLM determined that both the Rock Creek TCP and Tosawih TCP were eligible to the National Register. On May 19, 1999, your office concurred with these determinations.

A final consultation meeting was held with the Western Shoshone on July 17, 2002 to discuss the SEIS and mitigation plans. Issues discussed at this and previous meetings are addressed in the SEIS and mitigation plans, they include;

- The Tosawih TCP springs,
- Water flow and springs within the Rock Creek TCP,

- Sage grouse, and
- Concerns about impacts to the environment in general.

A mailing following the July 17th meeting notified the Western Shoshone that any further comments must be received by August 16, 2002, closing consultation on the Betze SEIS project. The only letter received was from the Western Shoshone Defense Project. They questioned how BLM could close consultation for this project, yet continue to consult on Tosawihi and Rock Creek TCPs. A letter in response from BLM addressed this question (enclosed).

Your office has concurred with BLM's determination of No Effect to these TCP's from the SOAPA and Leeville projects (letters dated June 15, 2001 and June 4, 2002). BLM's determination of No Effect to the springs in the Tosawihi and Rock Creek TCP's, which results, from two separate models, which revealed a situation of no contribution to the growth of the cone of depression in the direction of those properties.

In the Betze Project SEIS, the cone of depression from that project was shown to approach the Tosawihi and Rock Creek TCP's. However, the springs in the Tosawihi TCP are protected from any dewatering impact by virtue of their being fed by perched aquifers, which are situated above the regional water table and of local extent. Therefore, BLM has made a No Effect determination for the Tosawihi TCP.

The issues that exist for the Rock Creek TCP with regard to Betze are the springs within the TCP and Rock Creek itself which are both contributing elements to the TCP. BLM's analysis shows that although neither is likely to be directly affected, the agency is ensuring that the mining company will take all reasonable efforts to protect both the springs and Rock Creek. Barrick's position is that the APE that includes Rock Creek is based on a model prepared by the Newmont Mining Corporation and not reflected in the modeling research they have completed. BLM, however, has determined that cumulative effects will be based upon Newmont's model due to the uncertainties involved with modeling in general and the larger APE that Newmont's model predicted. Consequently Barrick developed several protective measures to add to their existing mitigation planning, which include the Willow Creek Enhancement Plan, to respond to the assessment.

Barrick's Mitigation and the Willow Creek Enhancement Plans protect the springs in the Rock Creek TCP in several ways: Barrick's existing groundwater well array would show any potential drawdown in the groundwater feeding the springs permitting mitigating measures to be developed and implemented. The groundwater monitoring array will be operated by Barrick at least through 2030, after which a Long Term Monitoring Fund will provide for its continued existence for approximately 100 years. Barrick's re-injection wells for groundwater are actually between the Betze pit and lower Rock Creek Canyon, thus providing a temporary groundwater mound, that if utilized would partially offset the expanding cone-of-depression. Re-injected water is from the same generalized area and would be similar of similar water quality. Should effects to the springs in lower Rock Creek Canyon appear likely, BLM would re-open consultation with the Western Shoshone and your office on ways to use the Long-Term Environmental Monitoring and Mitigation Fund, established by Barrick, to minimize or eliminate effects to the springs.

While Barrick has disagreed that its dewatering operations would have any direct or indirect impacts to the base flow of Rock Creek based on their modeling research, Barrick will convey

1.5 cfs of senior water rights on Rock Creek to the BLM and the Nevada Division of Wildlife. This quantity is equivalent to the maximum predicted potential impact and 25% of the base flow. The advantages of this conveyance is that regardless of the cause, any decrease in flow to Rock Creek whether from drought, grazing, mining or other natural or human-caused impacts, could be addressed by the senior water rights.

The BLM has also recognized that sage grouse are important to the Western Shoshone. The Willow Creek Enhancement Plan restores or enhances a nesting area on Willow Creek. In addition Barrick is contributing an additional \$50,000 for sage grouse habitat improvement under the Plan. Other general environmental concerns that the Western Shoshone have raised are covered under the NEPA process.

As a result of the analysis undertaken in the CIA and the Betze SEIS, as well as the protective measures outlined in the Betze SEIS Mitigation Plan, the BLM has determined that there is No Effect to the Tosawih TCP. In the extremely unlikely event that Effects occur to the Rock Creek TCP they shall Not Be Adverse given the actions, funding and water rights presented in the mitigation plans. If you have any questions, please refer these to Kirk Laird (SEIS technical questions, 775/753-0272), Bill Fawcett (archaeology, 775/753-0278), or Gerald Dixon (Native American concerns, 775/753-0383).

Sincerely,

David J. Vandenberg

DAVID J. VANDENBERG
Manager, Nonrenewable Resources

- 3 Enc: 1. Appendix A
2. Appendix B
3. Response WSDF letter

WBF:9/6/02